

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER
P.O. BOX 168041, MS-43
SACRAMENTO, CA 95816-8041
PHONE (916) 227-6299
FAX (916) 227-6282
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

April 15, 2015

Facsimile: (925) 803-4263

Michael A. Kloos, Vice-President
DESILVA GATES CONSTRUCTION LP
11555 Dublin Boulevard
Dublin, CA 95466-2909

01-262054
01-Men-101-45.0/50.8
B.O. 3/12/2015

Dear Mr. Hanford:

The Department of Transportation (Caltrans) received the attached letter dated March 27, 2015, from DeSilva Gates Construction, LP (DGC), protesting the bid submitted by Hanford Applied Restoration & Conservation (Hanford). The protest alleges that Hanford listed Oliveira Fencing, Green Valley Consulting Engineers (GVCE) and Cutler Trucking, Inc. DBA, R&S Trucking (Cutler) as performing listed bid items at 100 percent on the Subcontractor List Form, however Hanford submitted its Disadvantaged Business Entity (DBE) Commitment form with amounts that when calculated are less than the listed percentages of the bid item to be performed for those same Subcontractor's and, therefore, is inconsistent.

The protest further alleges that Hanford's claimed DBE participation for CES per the submitted quote, contemplates that the project will require one designated biologist from June 1, 2015 through October 15, 2015 and from June 1, 2016 through October 15, 2016. The contract time on this project is 500 working days with another three years of Plant Establishment work. As such, 500 working days (excluding Plant Establishment) in this area will equate to 4 to 5 years, with contract work starting in June 2015, and completion prior to Plant Establishment work will be in 2019. The 3 years of Plant Establishment work will extend the contract out until 2022. The quote from CES covers only 2 years with no indication of who is performing the work for the other 6 years. This was incorrectly calculated and Hanford's bid should be rejected.

Caltrans reviewed the bid documents, as well as this protest and the response provided by Hanford and finds the following:

As this protest relates to the percentage of the bid item to be performed, the percentage listed on the subcontractors list is representative of the percent of work to be performed by the subcontractor, not a percentage of the bid item total, as the bid item total frequently includes the bidders profit and overhead.

As this protest relates to DBE participation, the Office of Business and Economic Opportunity's Contract Evaluation Branch evaluated the DBE Commitment submittal and determined that Hanford met the 9 percent goal for this contract.

Mr. M. Kloos
April 15, 2015
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Based on the above findings, Caltrans will proceed to award this contract to Hanford.

If you have any questions, please contact Mulissa Smith, Contract Awards Branch Manager, at (916) 227-6228.

Sincerely,

A handwritten signature in black ink, appearing to read 'McMillan', with a long horizontal stroke extending to the right.

JOHN C. McMILLAN
Deputy Division Chief
Office Engineer
Division of Engineering Services

**** Transmit Conf. Report ****

P.1
CALTRANS CONTR AWARDS Fax 916-227-6282

Apr 15 2015 05:22pm

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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